

THE COMMUNITY SCHOOL DISTRICTS INITIATIVE

Explanation - Matter in ***bolded italics*** is new; matter between brackets [~~omitted material~~] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS

Sec. 1. Short Title. Sections 1 to 5 of this act may be cited as The Community School Initiative.

Sec. 2. Preamble. The Nevada Legislature hereby finds and declares that:

1. Since at least 1956, public school districts have been coextensive with Nevada's counties, meaning Nevada only has county-sized public school districts.
2. In the last sixty years, Nevada's population has grown significantly and countywide school districts have become difficult to manage effectively and have hampered delivery of quality K-12 education to Nevada's children and families, resulting in poor educational outcomes.
3. Individual municipalities or municipalities working together may, in some instances, prefer to form more appropriately-sized school districts, because communities may determine that they can better represent and serve children, parents, and families in smaller administrative units;
4. Therefore, this statute permits municipalities to opt out of a countywide school district and to create instead "community-based" school districts consistent with municipal political subdivisions, giving communities flexibility and choice in this regard.
5. It is not the intent of this measure to affect county school bonds, employment or union contracts, or to limit the collective purchasing power of the county school districts or unions.
6. Nothing in this measure is meant to affect collective bargaining of teachers or other school-based unions.

Sec. 3. Title 34, Chapter 386 of the Nevada Revised Statutes is hereby amended by adding thereto a new section 386.020, to read as follows:

Sec. 4. *NRS 386.020 Community School Districts.*

1. *Definitions.*

- a. A "*County School District*" is a school district created pursuant to NRS 386.010.
- b. As used in this section, a "*Community*" is an incorporated city or municipality created and governed by NRS Chapters 265, 266, 267, and/or 268, and that has an elected governing body.
- c. A "*Community School District*" is a school system governing body formed under this section within and coextensive with the Community's or Communities' recognized city or municipal boundaries.

2. ***Community Right. Each Community has the right to opt out of its respective County School District, and to form a new Community School District.***
3. ***Formation of a Community School District.***
 - a. ***A Community School District shall be formed, and the State of Nevada and its counties, cities, and each of their respective political subdivisions, and local governments, subsidiaries, boards, and agencies shall recognize the formation, existence, and authority of a new Community School District, separate and apart from, and equal in authority to, the original County School District, when either:***
 - i. ***The elected governing body of the Community votes to approve a resolution or ordinance for the formation of a Community School District, subject to the referendum power of the voters of the Community pursuant to NRS 295.200; or***
 - ii. ***The elected governing body of the Community approves a resolution placing the question of whether or not to form a Community School District before the voters at the next general election, provided the resolution is approved at least two hundred ten (210) days prior to the general election; and the formation of a Community School District is approved by the voters of the Community at a general election.***
 - b. ***Upon approval, the governing body of the Community and any Community School District formed under section 3(a) above shall coordinate with the Nevada State Board of Education for the formation of a Community School District, and shall address all elements under Sections 4 through 7, inclusive, herein.***
 - c. ***The Nevada State Board of Education shall have the same jurisdiction over and relationship to each newly created Community School District, and any such Community School District shall have all the rights, powers, and privileges afforded to a County School District under both the Nevada State Constitution and all pertinent chapters of the Nevada Revised Statutes.***
 - d. ***The Nevada State Board of Education shall promptly formulate and enact regulations in furtherance of the maintenance and support of any Community School District formed under this section, with all privileges afforded to the related County School District.***
4. ***Timing of the Initial School Year for Community School Districts.***
 - a. ***The resolution of the governing body of the Community placing the issue on the general election ballot shall indicate the commencement date of the initial school year for the new Community School District, provided such commencement date shall occur within twenty-four (24) months following the general election at which the formation of the Community School District is approved.***

- b. Each Community School District will retain all funding previously allocated, assigned, gifted, or granted to it by the Federal Government, the Nevada Legislature, the State of Nevada or its agencies, a county, any County School District, any community, or its residents, in the twenty-four (24) months prior to the general election at which the formation of the Community School District is approved, and until the commencement date of the initial school year of the new Community School District, and County School District funds must be adjusted to comply with this directive.
 - c. Each Community School District may combine with any other Community School District(s), at the election of the Community School Districts' respective Boards of Trustees, regardless of their location.
5. Collective Purchasing. Upon the formation of a new Community School District, each Community School District shall have all rights, powers, and authority over existing funding, real and personal properties, contracts for goods or services, or contracts for employment, including Community School Districts' right to contract for or purchase of goods or services in any combination thereof, at their discretion:
 - a. Alone; or
 - b. With the collective purchasing power of the County School District under NRS 386.353; or
 - c. With the collective purchasing power of any other Community School District including but not limited via agreement amongst the board(s) of the Community School District(s).
6. Community School District Powers the Same.
 - a. The authorities, powers, and rights of the new Community School District are legally commensurate with those of the originating County School District.
 - b. The authorities, powers, and rights of the new Community School District Board of Trustees are legally commensurate with those of the originating County School District Board of Trustees.
 - c. Each Community School District, in coordination with the governing body of the Community, will have all authority, rights, powers, of a County School District, including the right and duty to have its own elected and separately empowered Board of Trustees pursuant to NRS 386.110, et seq., which Board will make the guidelines and policies that will govern the Community School District, just as in the case of the Boards of Trustees of County School Districts. The initial Board shall be appointed by the governing body of the Community, one member from at least five but no more than seven

equally-apportioned districts, odd in number, drawn and approved by the governing body, to terms expiring at the end of the first calendar year thereafter during which Nevada's primary and general election processes permit a fully-elected Board to succeed the initial, appointed Board. At the first election for Board members, the governing body shall randomly designate a bare majority of the seats to an initial two-year term, and a bare minority to initial four-year terms, so that election to the Board thereafter shall be staggered.

- d. Community School Districts may act as local government employers with regard to employee organizations and recognition of bargaining units as defined under Nevada Revised Statutes.*
 - e. The Community School Districts will be bound by and shall have no right to terminate, renegotiate, renew, or void any previously-negotiated and approved collective bargaining agreements between any bargaining units and a County School District, and shall be bound thereby, unless and until such agreements expire by their terms, or are otherwise lawfully terminated, even if this should extend the commencement date of the initial school year of the new Community School District.*
 - f. The provisions of Chapter NRS 288 governing collective bargaining apply to Community School Districts, subject to the direction of the new governing school board.*
- 7. Athletics and Extracurricular Activities. Community School Districts are authorized to allow their schools participate in competitive events, as well as Nevada Interscholastic Activities Association activities, including but not limited to contests in athletics, arts, music, and all other inter-school competitions and events, consistent with NRS 385B.010, et seq., at the discretion of the Community School District Board of Trustees in one of the following methods or any combination thereof, at their discretion:*
- a. Alone; or*
 - b. With the County School District under NRS 386.353; or*
 - c. With the any other Community School District including via agreement amongst the school board(s) of the Community School District(s).*
- 8. Interpretation and Intent. The provisions of this act shall be interpreted liberally for the purpose of permitting and supporting the formation of new Community School Districts in place of existing County School Districts where Communities so desire, on a per student, per capita basis as to their portion of funding and authority, thus allowing Community School Districts to have the same or similar authority as a County School District, including on all related committees.*

- a. It is not the intent of this measure to change or terminate any existing bonds within County School Districts, or to trigger hold-harmless funding laws or clauses, due to the reassignment of students to a Community School District.*
- b. The Nevada State Board of Education shall have the power to create rules and regulations consistent with the provisions of this statute for purposes of its reasonable application.*

Sec. 5. Severability. If any part of this Act be declared invalid, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the remaining provisions or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. This subsection shall be construed broadly to preserve and effectuate the declared purpose of this Act.

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